

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 06 January 2009

CASE NO.: 2008-STA-33

IN THE MATTER OF

DWIGHT ODUM

Complainant

v.

**TFE LOGISTICS/INTERNATIONAL MANAGEMENT
SERVICES COMPANY**

Respondent

RECOMMENDED ORDER OF DISMISSAL

This proceeding arises under the Surface Transportation Assistance Act of 1982, 49 U.S.C. § 1305 (herein the STAA) and the regulations promulgated thereunder at 29 C.F.R. Part 1978.

On December 2, 2008, the parties filed a joint "Stipulation of Dismissal," based on the resolution of all issues raised by Complainant.

The Rules For Implementing Section 405 of the Surface Transportation Assistance Act of 1982, 29 C.F.R. §1978.111, provides that, "at any time before the findings and order becomes final, a party may withdraw his objections to the findings or order by filing a written withdrawal with the administrative law judge." The judge shall determine whether to affirm any portion of the findings or preliminary order or to approve the withdrawal.

Complainant has submitted such a withdrawal in the form of the parties' Stipulation of Dismissal which is hereby accepted, and, consistent with the regulation, the Complaint is hereby **DISMISSED** with prejudice.

ORDERED this 6th day of January, 2009, at Covington, Louisiana.

A

LEE J. ROMERO, JR.
Administrative Law Judge

NOTICE OF REVIEW: The administrative law judge's Recommended Order Approving Withdrawal of Objections and Dismissing Claim, along with the Administrative File, will be automatically forwarded for review to the Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Avenue, NW, Washington, DC 20210. See 29 C.F.R. § 1978.109(a); Secretary's Order 1-2002, ¶4.c.(35), 67 Fed. Reg. 64272 (2002).

Within thirty (30) days of the date of issuance of the administrative law judge's Recommended Order Approving Withdrawal of Objections and Dismissing Claim, the parties may file briefs with the Administrative Review Board ("Board") in support of, or in opposition to, the administrative law judge's order unless the Board, upon notice to the parties, establishes a different briefing schedule. See 29 C.F.R. § 1978.109(c)(2). All further inquiries and correspondence in this matter should be directed to the Board.